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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 BRUCE E. SMITH,

11 Petitioner,

12 v.

13 JEFFREY UTTECHT,

14 Respondent.  
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Case No. C06-5678RJB-KLS

ORDER FOR SERVICE AND  
RETURN, § 2254 PETITION

18 The Court hereby ORDERS as follows:

19 (1) The Clerk shall arrange for service by certified mail upon respondent and the Attorney  
20 General for the State of Washington, copies of the amended petition, all documents in support thereof, and  
21 the Notice of Initial Assignment and Consent Procedure and Consent to Proceed before a United States  
22 Magistrate Judge. All costs of service shall be advanced by the United States. The Clerk shall assemble  
23 the necessary documents to effect service. In addition, the Clerk shall send petitioner a copy of this Order,  
24 the General Order, and the Notice of Initial Assignment and Consent Procedure to Proceed and Consent  
25 before a United States Magistrate Judge.

26 (2) Within forty-five (45) days after such service, respondent(s) shall file and serve an answer in  
27 accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District Courts. As part of  
28 such answer, respondent(s) should state whether petitioner has exhausted available state remedies, whether

1 an evidentiary hearing is necessary, and whether there is any issue of abuse or delay under Rule 9.

2 Respondent shall not file a dispositive motion in place of an answer without first showing cause as to why  
3 an answer is inadequate. Respondent(s) shall file the answer with the Clerk of the Court and serve a copy  
4 of the answer upon petitioner.

5 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon receipt  
6 of the answer the Clerk will note the matter for consideration on the fourth Friday after the answer is filed,  
7 petitioner may file and serve a response not later than on the Monday immediately preceding the Friday  
8 appointed for consideration of the matter, and respondent may file and serve a reply brief not later than on  
9 the Thursday immediately preceding the Friday designated for consideration of the matter.

10 DATED this 28th day of March, 2007.

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14 Karen L. Strombom  
15 United States Magistrate Judge  
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